

Supreme Court, U.S.

FILED

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(3)

NO. 91-239

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1991

CHARLES F. PATTERSON,

Petitioner

versus

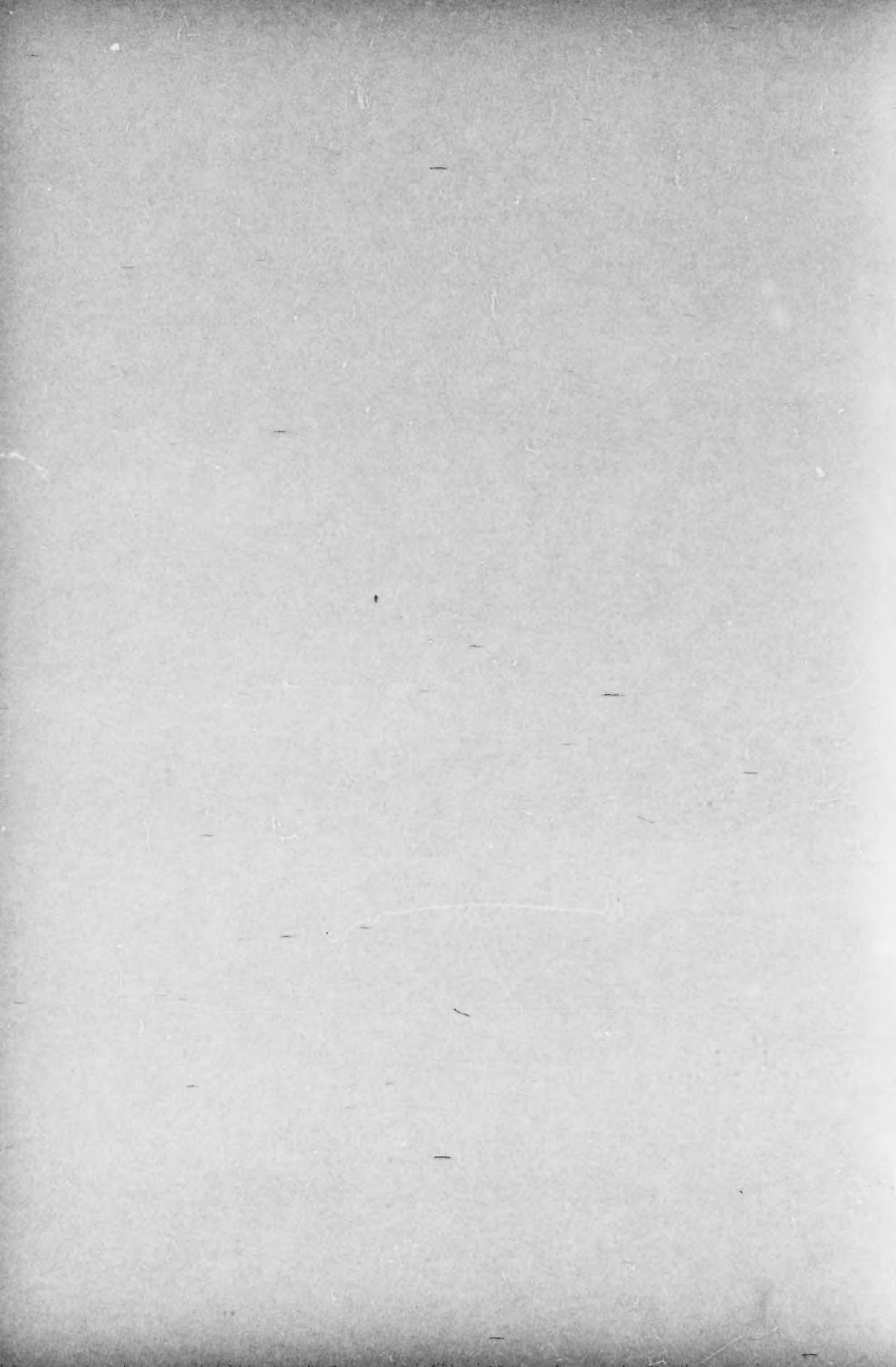
AMY S. BOLAND

Respondent

PETITION FOR WRIT OF CERTIORARI TO THE
COURT OF APPEALS OF OHIO, GREENE COUNTY

REPLY TO BRIEF IN OPPOSITION

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REPLY TO "ARGUMENTS IN OPPOSITION TO
QUESTIONS NOS. 1 AND 2"

Petitioner requests that certiorari be granted primarily because he believes the Ohio courts unlawfully applied the summary judgment rule. It was unlawful for Ohio courts to rule that no issue of material fact exists when Petitioner timely presented the trial court with hard evidence as to the existence of material facts. In her brief in opposition to this Petition for Writ of Certiorari, Respondent made no attempt to refute the specific examples of material fact presented by Petitioner in his petition. To say that no issue of material fact exists in the case sub judice is like saying there is no water in the Atlantic Ocean.

REPLY TO "ARGUMENTS IN OPPOSITION TO
QUESTION NO. 3"

In the case sub judice, Respondent made a motion to the trial court to the

effect that Petitioner has no right to a jury trial because in the underlying case, a divorce case in Ohio, no right to jury trial exists [Ohio Civil Rule 75(C)]. Petitioner opposed said motion in a timely brief that indicated that Petitioner believed that Ohio Civil Rule 75(C) was unconstitutional relevant to many divorce actions, including Petitioner's divorce case. The trial court did not rule on the jury trial motion, and indicated that it might decide at a later time whether any trial would be "to a jury or to the Court." How many petitions for writ of certiorari must Petitioner file before he gets a jury trial? Petitioner believes it would be quite proper for the U.S. Supreme Court to consider the constitutionality of Ohio Civil Rule 75(C) in the case sub judice.

REPLY TO "ARGUMENTS IN OPPOSITION TO

QUESTIONS NOS. 4 AND 5"

Respondent indicates that questions 4 and 5 deal with summary judgment. Questions 4 and 5 do not deal with summary judgment. Questions 4 and 5 deal with directed verdicts. Questions 4 and 5 assume the U.S. Supreme Court will overrule the summary judgment. Based on the trial court's raising Minick v. Callahan (1980) 24 Ohio 00 3d 104, a directed verdict case, it is probable that a directed verdict looms in the future of the case sub judice. To reduce the probability that Petitioner (or his witnesses) will be too feeble for Petitioner to properly present his case to a decision-making jury, Petitioner believes it would be proper for the U.S. Supreme Court to rule on the questions dealing with directed verdicts.

Respectfully submitted,

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